

THE ESTATE OF JOEY MYERS AND CAROLYN  
K CHAUDRY, AS ADMINISTRATOR AD  
PROSEQUENDUM OF THE ESTATE OF JOEY  
MYERS, AND IN HER OWN RIGHT,  
Plaintiffs,  
v.

CITY OF MILLVILLE;  
CHIEF JODY FARABELLA, Individually  
and in his official capacity;  
OFFICER MICHAEL CALCHI;  
OFFICER GAVIN PHILLIPS;  
OFFICER JEFFREY PROFITT; and,  
JOHN DOE POLICE OFFICERS 1-10,  
Individually and in their official  
capacities  
Defendants.

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

Civil Action  
Number  
17-1411 (JHR/AMD)

**AMENDED SCHEDULING ORDER**

IT IS, on this \_\_\_\_\_ day of \_\_\_\_\_ 2018;  
ORDERED and ADJUDGED that:

1. The Court will conduct a telephone status conference on **January 10, 2019 at 10:30 A.M.** Counsel for Plaintiffs shall initiate the telephone call.

2. Pretrial factual discovery shall be concluded by **December 31, 2018**. All discovery motions and applications pursuant to L. CIV. R. 37.1(a)(1) shall be made returnable before the expiration of pretrial factual discovery.

3. **Depositions**. All depositions are to be conducted in accordance with the procedures set forth in the order of Judge Gawthrop, in Hall v. Clifton Precision, 150 F.R.D. 525 (E.D. Pa. 1993).

4. All expert reports and expert disclosures pursuant to FED. R. CIV. P. 26(a)(2) on behalf of Plaintiffs shall be served upon counsel for Defendants not later than **January 31, 2018**. All expert reports and expert disclosures pursuant to FED. R. CIV. P. 26(a)(2) on behalf of Defendants shall be served upon counsel for Plaintiffs not later than **March 4, 2019**. Each such report should be accompanied by the curriculum vitae of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect

to any witness for whom this procedure has not been timely followed. Depositions of proposed expert witnesses shall be concluded by **March 22, 2019**.

For purposes of this Scheduling Order, treating physicians, if any, shall not be considered expert witnesses and shall be treated as fact witnesses who are, however, required to provide reports and records concerning their treatment. However, any doctor who is going to express an opinion as to the cause of a particular condition or as to the future prognosis of a particular condition shall be considered an expert subject to the requirement of FED. R. CIV. P. 26(a)(2)(B).

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion testimony counsel and the parties anticipate will be presented at trial pursuant to FED. R. EVID. 701 and *Teen-Ed v. Kimball International, Inc.*, 620 F.2d 399 (3d Cir. 1980).

5. **Dispositive Motions**. Dispositive motions shall be filed with the Clerk of the Court no later than **April 22, 2019**. Opposition to the motion should be served in a timely fashion. Counsel are to follow L. CIV. R. 7.1, 7.2, 56.1 and 78.1 (Motion Practice - Generally).

6. Any application for an extension of time beyond the deadlines set herein shall be made in writing to the undersigned and served upon all counsel prior to expiration of the period sought to be extended, and shall disclose in the application all such extensions previously obtained, the precise reasons necessitating the application showing good cause under FED. R. CIV. P. 16(b), and whether adversary counsel agree with the application. The schedule set herein will not be extended unless good cause is shown.

**THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER MAY RESULT IN THE IMPOSITION OF SANCTIONS UNDER FED. R. CIV. P. 16(f).**

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The Honorable Ann Marie Donio  
UNITED STATES MAGISTRATE JUDGE

cc: Hon. Joseph H. Rodriguez